

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JONATHAN KUHL,	:
Plaintiff,	:
	:
v.	:
	:
U.S. BANK TRUST NATIONAL	:
ASSOCIATION, not in its individual Capacity	:
but solely as Owner Trustee for legacy	:
Mortgage Asset Trust 2018GS-1; MTGLQ	:
INVESTOR, LP; and RUSHMORE LOAN	:
MANAGEMENT SERVICES LLC,	:
Defendants.	:
	:
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ORDER

19 CV 8403 (VB)

On July 31, 2020, plaintiff faxed to the Court a letter alternately (i) requesting leave to file a motion to amend his complaint pursuant to Fed. R. Civ. P. 15, and (ii) seeking leave to amend the complaint to add a new claim pursuant to the Real Estate Settlement Procedures Act (“RESPA”), 12 U.S.C. § 2605. (See Doc. #32). On August 3, 2020, the Court ordered defendants to file a letter responding to plaintiff’s request, including to address what effect, if any, granting leave to amend the complaint would have on the pending motions to dismiss. (Id.). On August 10, 2020, defendants filed a letter in which MTGLQ Investor, LP (“MTGLQ”) took no position on the motion for leave to amend, and in which U.S. Bank Trust National Association, not in its individual Capacity but solely as Owner Trustee for legacy Mortgage Asset Trust 2018GS-1 (“U.S. Bank”) and Rushmore Loan Management Services LLC (“Rushmore”) opposed plaintiff’s request to amend the complaint. (Doc. #34).

By Order dated August 18, 2020, the Court denied plaintiff’s request. (Doc. #36).

That day, the Clerk of Court docketed a “memorandum” dated August 12, 2020, in response to the Court’s August 3 Order (Doc. #32) and in response to the defendants’ letter dated August 10, 2020 (Doc. #34). (See Doc. #37).

The Court has carefully reviewed its August 18 Order and plaintiff's memorandum. Although plaintiff's memorandum was received and docketed after the Court issued the August 18 Order, there is nothing in plaintiff's memorandum that would have changed the Court's decision to deny plaintiff's request to file a motion for leave to amend or to deny plaintiff's request to amend the complaint. Accordingly, the August 18 Order denying plaintiff's requests stands. (See Doc. #36).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: August 21, 2020
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge